

CENTER FOR DISABILITY ACCESS  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**Orlando Garcia,**

Plaintiff,

v.

**A & A Laundry, LLC,** a California  
Limited Liability Company

Defendants.

**Case No.**

**Complaint For Damages And  
Injunctive Relief For Violations  
Of: Americans With Disabilities  
Act; Unruh Civil Rights Act**

Plaintiff Orlando Garcia complains of A & A Laundry, LLC, a California Limited Liability Company; and alleges as follows:

**PARTIES:**

1. Plaintiff is a California resident with physical disabilities. Plaintiff suffers from Cerebral Palsy. He has manual dexterity issues. He cannot walk. He uses a wheelchair for mobility.

2. Defendant A & A Laundry, LLC owned A & A Laundry Wash & Dry located at or about 2810 San Bruno Ave., San Francisco, California, in February 2022.

3. Defendant A & A Laundry, LLC owns A & A Laundry Wash & Dry ("A

1 & A”) located at or about 2810 San Bruno Ave., San Francisco, California,  
2 currently.

3 4. Plaintiff does not know the true names of Defendants, their business  
4 capacities, their ownership connection to the property and business, or their  
5 relative responsibilities in causing the access violations herein complained of,  
6 and alleges a joint venture and common enterprise by all such Defendants.  
7 Plaintiff is informed and believes that each of the Defendants herein is  
8 responsible in some capacity for the events herein alleged, or is a necessary  
9 party for obtaining appropriate relief. Plaintiff will seek leave to amend when  
10 the true names, capacities, connections, and responsibilities of the  
11 Defendants are ascertained.  
12

### 13 **JURISDICTION & VENUE:**

14 5. The Court has subject matter jurisdiction over the action pursuant to  
15 28 U.S.C. § 1331 and § 1343(a)(3) & (a)(4) for violations of the Americans  
16 with Disabilities Act of 1990, 42 U.S.C. § 12101, et seq.

17 6. Pursuant to supplemental jurisdiction, an attendant and related cause  
18 of action, arising from the same nucleus of operative facts and arising out of  
19 the same transactions, is also brought under California’s Unruh Civil Rights  
20 Act, which act expressly incorporates the Americans with Disabilities Act.

21 7. Venue is proper in this court pursuant to 28 U.S.C. § 1391(b) and is  
22 founded on the fact that the real property which is the subject of this action is  
23 located in this district and that Plaintiff’s cause of action arose in this district.  
24

### 25 **FACTUAL ALLEGATIONS:**

26 8. Plaintiff went to A & A in February 2022 with the intention to avail  
27 himself of its goods or services motivated in part to determine if the  
28 defendants comply with the disability access laws. Not only did Plaintiff

1 personally encounter the unlawful barriers in February 2022, but he wanted  
2 to return and patronize the business two more times but was specifically  
3 deterred due to his actual personal knowledge of the barriers gleaned from  
4 his encounter with them.

5 9. A & A is a facility open to the public, a place of public accommodation,  
6 and a business establishment.

7 10. Unfortunately, on the date of the plaintiff's visit, the defendants failed  
8 to provide wheelchair accessible change machines in conformance with the  
9 ADA Standards as it relates to wheelchair users like the plaintiff.

10 11. A & A provides change machines to its customers but fails to provide  
11 wheelchair accessible change machines in conformance with the ADA  
12 Standards.

13 12. A problem that plaintiff encountered was that the bill acceptor on the  
14 change machine was too high. It was about 59 inches above the finish floor.

15 13. Plaintiff believes that there are other features of the change machines  
16 that likely fail to comply with the ADA Standards and seeks to have fully  
17 compliant change machines for wheelchair users.

18 14. On information and belief, the defendants currently fail to provide  
19 wheelchair accessible change machines.

20 15. The failure to provide accessible facilities created difficulty and  
21 discomfort for the Plaintiff.

22 16. These barriers relate to and impact the plaintiff's disability. Plaintiff  
23 personally encountered these barriers.

24 17. As a wheelchair user, the plaintiff benefits from and is entitled to use  
25 wheelchair accessible facilities. By failing to provide accessible facilities, the  
26 defendants denied the plaintiff full and equal access.

27 18. The defendants have failed to maintain in working and useable  
28 conditions those features required to provide ready access to persons with

1 disabilities.

2 19. The barriers identified above are easily removed without much  
3 difficulty or expense. They are the types of barriers identified by the  
4 Department of Justice as presumably readily achievable to remove and, in  
5 fact, these barriers are readily achievable to remove. Moreover, there are  
6 numerous alternative accommodations that could be made to provide a  
7 greater level of access if complete removal were not achievable.

8 20. Plaintiff will return to A & A to avail himself of its goods or services and  
9 to determine compliance with the disability access laws once it is represented  
10 to him that A & A and its facilities are accessible. Plaintiff is currently  
11 deterred from doing so because of his knowledge of the existing barriers and  
12 his uncertainty about the existence of yet other barriers on the site. If the  
13 barriers are not removed, the plaintiff will face unlawful and discriminatory  
14 barriers again.

15 21. Given the obvious and blatant nature of the barriers and violations  
16 alleged herein, the plaintiff alleges, on information and belief, that there are  
17 other violations and barriers on the site that relate to his disability. Plaintiff  
18 will amend the complaint, to provide proper notice regarding the scope of  
19 this lawsuit, once he conducts a site inspection. However, please be on notice  
20 that the plaintiff seeks to have all barriers related to his disability remedied.  
21 See *Doran v. 7-11*, 524 F.3d 1034 (9th Cir. 2008) (holding that once a  
22 plaintiff encounters one barrier at a site, he can sue to have all barriers that  
23 relate to his disability removed regardless of whether he personally  
24 encountered them).

25  
26 **I. FIRST CAUSE OF ACTION: VIOLATION OF THE AMERICANS**  
27 **WITH DISABILITIES ACT OF 1990** (On behalf of Plaintiff and against all  
28 Defendants.) (42 U.S.C. section 12101, et seq.)

1       22. Plaintiff re-pleads and incorporates by reference, as if fully set forth  
2 again herein, the allegations contained in all prior paragraphs of this  
3 complaint.

4       23. Under the ADA, it is an act of discrimination to fail to ensure that the  
5 privileges, advantages, accommodations, facilities, goods and services of any  
6 place of public accommodation is offered on a full and equal basis by anyone  
7 who owns, leases, or operates a place of public accommodation. See 42  
8 U.S.C. § 12182(a). Discrimination is defined, inter alia, as follows:

- 9           a. A failure to make reasonable modifications in policies, practices,  
10           or procedures, when such modifications are necessary to afford  
11           goods, services, facilities, privileges, advantages, or  
12           accommodations to individuals with disabilities, unless the  
13           accommodation would work a fundamental alteration of those  
14           services and facilities. 42 U.S.C. § 12182(b)(2)(A)(ii).
- 15           b. A failure to remove architectural barriers where such removal is  
16           readily achievable. 42 U.S.C. § 12182(b)(2)(A)(iv). Barriers are  
17           defined by reference to the ADA Standards.
- 18           c. A failure to make alterations in such a manner that, to the  
19           maximum extent feasible, the altered portions of the facility are  
20           readily accessible to and usable by individuals with disabilities,  
21           including individuals who use wheelchairs or to ensure that, to  
22           the maximum extent feasible, the path of travel to the altered  
23           area and the bathrooms, telephones, and drinking fountains  
24           serving the altered area, are readily accessible to and usable by  
25           individuals with disabilities. 42 U.S.C. § 12183(a)(2).

26       24. When a business provides change machines, it must provide accessible  
27 change machines.

28       25. Here, accessible change machines have not been provided in

1 conformance with the ADA Standards.

2 26. The Safe Harbor provisions of the 2010 Standards are not applicable  
3 here because the conditions challenged in this lawsuit do not comply with the  
4 1991 Standards.

5 27. A public accommodation must maintain in operable working condition  
6 those features of its facilities and equipment that are required to be readily  
7 accessible to and usable by persons with disabilities. 28 C.F.R. § 36.211(a).

8 28. Here, the failure to ensure that the accessible facilities were available  
9 and ready to be used by the plaintiff is a violation of the law.

10  
11 **II. SECOND CAUSE OF ACTION: VIOLATION OF THE UNRUH CIVIL**  
12 **RIGHTS ACT** (On behalf of Plaintiff and against all Defendants.) (Cal. Civ.  
13 Code § 51-53.)

14 29. Plaintiff repleads and incorporates by reference, as if fully set forth  
15 again herein, the allegations contained in all prior paragraphs of this  
16 complaint. The Unruh Civil Rights Act (“Unruh Act”) guarantees, inter alia,  
17 that persons with disabilities are entitled to full and equal accommodations,  
18 advantages, facilities, privileges, or services in all business establishment of  
19 every kind whatsoever within the jurisdiction of the State of California. Cal.  
20 Civ. Code §51(b).

21 30. The Unruh Act provides that a violation of the ADA is a violation of the  
22 Unruh Act. Cal. Civ. Code, § 51(f).

23 31. Defendants’ acts and omissions, as herein alleged, have violated the  
24 Unruh Act by, inter alia, denying, or aiding, or inciting the denial of,  
25 Plaintiff’s rights to full and equal use of the accommodations, advantages,  
26 facilities, privileges, or services offered.

27 32. Because the violation of the Unruh Civil Rights Act resulted in  
28 difficulty, discomfort or embarrassment for the plaintiff, the defendants are

1 also each responsible for statutory damages, i.e., a civil penalty. (Civ. Code §  
2 55.56(a)-(c).)

3  
4 **PRAYER:**

5 Wherefore, Plaintiff prays that this Court award damages and provide  
6 relief as follows:

7 1. For injunctive relief, compelling Defendants to comply with the  
8 Americans with Disabilities Act and the Unruh Civil Rights Act. Note: the  
9 plaintiff is not invoking section 55 of the California Civil Code and is not  
10 seeking injunctive relief under the Disabled Persons Act at all.

11 2. For equitable nominal damages for violation of the ADA. See  
12 Uzuegbunam v. Preczewski, --- U.S. ---, 2021 WL 850106 (U.S. Mar. 8,  
13 2021) and any other equitable relief the Court sees fit to grant.

14 3. Damages under the Unruh Civil Rights Act, which provides for actual  
15 damages and a statutory minimum of \$4,000 for each offense.

16 4. Reasonable attorney fees, litigation expenses and costs of suit,  
17 pursuant to 42 U.S.C. § 12205; and Cal. Civ. Code §§ 52.

18  
19 Dated: March 7, 2022

CENTER FOR DISABILITY ACCESS

20  
21 By: 

22 Amanda Seabock, Esq.  
23 Attorney for plaintiff  
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